

Notice of Allowability

Application No.

09/749,243

Examiner

Daniel S. Metzmaier

Applicant(s)

HOLCOMB, ROBERT R.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments of 4/11/05 and interview of 6/22/05.
2. ☒ The allowed claim(s) is/are 8-16.
3. ☒ The drawings filed on 30 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/22/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

Claims 8-16 are allowed.

Examiner's amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory C. Smith on June 22, 2005.

The application has been amended as follows:

Amend the specification and claims as follows. The amendment to the specification begins on page 3. The amendment to the claims begins on page 4.

In the specification

Replace the paragraph beginning at line 25 and ending at line 26 as follows.

Figure 6. Electron photomicrographs of silica particles made by standard activation techniques compared to electron photomicrographs of ~~6a~~ 6A colloid of the invention.

Insert the following paragraph at page 16, after line 25 (i.e., the last line).

Figure 6A. An electron photomicrograph of the colloid of the invention.

Insert the following paragraph at page 22, between lines 2 and 3.

The inorganic silicate polymer electret in a colloidal state has a zeta potential between about 33 and 50 mV, between about 34 and 50 mV, between about 34 and 48 mV, between about 35 and 45 mV, between about 36 and 43 mV, between about 37 and 41 mV, between about 37 and 39 mV, between about 37 and 38 mV, or about 37.7 mV.

In the claims

Claims 1-7 (cancelled).

8. (Currently Amended) An inorganic silicate polymer electret in a colloidal state with a zeta potential between about 33 and 50 mV, said inorganic polymer electret in a colloidal state is formed by prolonged flow through a counter current device, said flow generating a charge effect, which generates multiple bi-directional magnetic fields and an electrostatic charge on the adjacent moving charged colloid particles moving in the counter current flow, resulting in the inorganic silicate polymer electret in a colloidal state.

9. (Previously Presented) The inorganic polymer electret in a colloidal state of claim 8 wherein the zeta potential is between about 34 and 50 mV.

10. (Previously Presented) The inorganic polymer electret in a colloidal state of claim 8 wherein the zeta potential is between about 34 and 48 mV.

11. (Previously Presented) The inorganic polymer electret in a colloidal state of claim 8 wherein the zeta potential is between about 35 and 45 mV.

12. (Previously Presented) The inorganic polymer electret in a colloidal state of claim 8 wherein the zeta potential is between about 36 and 43 mV.

13. (Previously Presented) The inorganic polymeric electret in a colloidal state of claim 8 wherein the zeta potential is between about 37 and 41 mV.

14. (Previously Presented) The inorganic polymer electret in a colloidal state of claim 8 wherein the zeta potential is between about 37 and 39 mV.

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15. (Previously Presented) The inorganic polymer electret in a colloidal state of claim 8 wherein the zeta potential is between about 37 and 38 mV.

16. (Previously Presented) The inorganic polymer electret in a colloidal state of claim 8 wherein the zeta potential is about 37.7 mV.

Claims 17-24 (cancelled).

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance: the prior art does not disclose or fairly suggest the compositions as claimed. Basis for the amendments to the specification are in original claims 8-16 as filed. Basis for the amendment to claim 8 is found throughout the specification and at least at the paragraph bridging pages 20 and 21 and the first full paragraph on page 21.

The amendments correct the reference to the Figure "6A" and complete the brief description of the drawings by setting forth a separate listing for said figure.

Newly cited 2004/0166246 and 2004/0154220 are USPGPUBs by the instant inventor. Said applications are later filed. See MPEP 822.01.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM